

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RUUD LIGHTING, INC.,
a Wisconsin corporation,

Plaintiff,

Case No. **06-C-0001**

v.

QUALITY SOURCING SERVICES, INC.,
a Florida corporation, a/k/a QSSI and
Quality Strategic Sourcing, Inc.,

Defendant.

CONSENT DECREE AND DISMISSAL

Having reviewed this matter and being fully advised of the premises and the stipulation of the parties, Ruud Lighting, Inc. (“Ruud”), plaintiff, and Quality Sourcing Services, Inc. (“QSSI”), defendant, this Court hereby finds and orders as follows:

1. This Court has jurisdiction over the parties and of the subject matter of this action.
2. This action arises under the Trademark Laws of the United States.
3. The parties, each represented by counsel, have informed the Court that they have reached a settlement agreement.
4. Ruud alleges that it has trade dress rights in its E Series wallpack light fixtures, the trade dress including the following combination of characteristics together creating a

distinctive look and being described (with the wallpack in typical wall-mounted orientation) as follows:

- a rear rectangular housing of horizontal orientation with rounded forwardly-oriented horizontal corners that terminate at a forward rectangular housing flange;
- a rectangular lens piece projecting forwardly from the housing for distance greater than the front-to-rear dimension of the housing, the lens piece having (1) a vertical cross-section that is substantially constant from back to front and that, but for lateral vertical flanges, is of the same size as the vertical cross-section of the housing, (2) rounded forwardly-oriented horizontal corners each of which extends generally from one of the rounded housing corners, and (3) a flat vertical front face; and
- an internal shroud that conforms to the shape of the lens piece,

hereinafter referred to as the “Ruud Wallpack Trade Dress,” shown in attached Exhibit A.

5. This suit alleges that QSSI has infringed the Ruud Wallpack Trade Dress by offering for sale without Ruud’s authority the wallpacks in the QSSI/Pacific Die Cast photos attached as Exhibit B, such products being referred to herein as “the Subject Products.”

In view of all of the foregoing, including the stipulation of the parties,

IT IS HEREBY ORDERED THAT:

The Joint Motion for Entry of Consent Decree and Dismissal is GRANTED. More specifically, **IT IS HEREBY FURTHER ORDERED THAT:**

A. QSSI and its agents, servants, employees, and all persons acting in concert or participation with it, including but not limited to Pacific Die Cast, Inc., are permanently enjoined from:

1. Making, offering for sale, or otherwise promoting or selling anywhere in the United States or its possessions the Subject Products or any other colorable imitation of the Ruud Wallpack Trade Dress; and
2. Otherwise infringing or inducing infringement of the Ruud Wallpack Trade Dress.

B. QSSI and its agents, servants, employees, and others acting with them or under their control, including but not limited to Pacific Die Cast, Inc., shall destroy or discard any and all documents, catalogs, literature, advertising, negatives, photographs and other materials in their possession or under their control which refer to or show the Subject Products, and refrain from any visual representation of the Subject Products, including without limitation on websites.

C. This case is dismissed with prejudice, this Court retaining jurisdiction of the parties to enforce this Order; and

D. Each party will bear its own costs and attorneys' fees in this matter.

Date: March 2, 2006

s/ Rudolph T. Randa

Honorable Rudolph T. Randa
United State District Court Judge

Approved as to form:

For Ruud Lighting, Inc.:

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& ANTARAMIAN, LTD.

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